

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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VANS, INC. and VF OUTDOOR, LLC :  
: Plaintiff,  
: -against- : 22-cv-02156-WFK-RML  
MSCHF PRODUCT STUDIOS, INC., :  
: Defendant :  
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**MOTION FOR LEAVE TO FILE SECOND SUPPLEMENTAL DECLARATION**  
**[Proposed Order Lodged Concurrently Herewith]**

Defendant MSCHF Product Studios, Inc. (“MSCHF”) respectfully requests leave to file the attached Second Supplemental Declaration of Gabriel Whaley in support of MSCHF’s opposition to Plaintiffs VANS, INC. and VF OUTDOOR, LLC (collectively “Vans”) application for temporary restraining order and preliminary injunction.

In the late hours of April 25, 2022 Mr. Whaley learned of additional information germane to the Show Cause Hearing scheduled by this Court on April 27, 2022.

Mr. Whaley immediately began further investigation of the matter and has created a Second Supplemental Declaration attached as Exhibit 1.

Mr. Whaley’s Second Supplemental Declaration will aid the Court and concerns new information obtained after the filing of Mr. Whaley’s previous declaration on April 20, 2022.

The proposed Second Supplemental Declaration will not cause any undue delay, prejudice the opposing party, nor is it being made in bad faith.

A Proposed Order in support of this motion is hereby attached as Exhibit 2.

For the foregoing reasons, MSCHF requests that the Court grant leave to file the proposed Second Supplemental Declaration of Gabriel Whaley, attached hereto as Exhibit 1.

/s/ Nicole E. O'Toole

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*Counsel for Defendant MSCHF Product Studio, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 26, 2022, I caused the foregoing **NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE SECOND SUPPLEMENTAL DECLARATION** to be served by electronic means via the Court's CM/ECF system on all counsel registered to receive electronic notices.

/s/ Nicole E. O'Toole

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